

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BYTEBORNE TECHNOLOGIES Ltd.,

Plaintiff,

v.

eBay Inc.

Defendant.

Case No. _____

Patent Case

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff BYTEBORNE TECHNOLOGIES Ltd. (“Byteborne”), through its attorney, complains of eBay Inc. (“eBay”), and alleges the following:

PARTIES

1. Plaintiff BYTEBORNE TECHNOLOGIES Ltd. is a foreign corporation organized and existing under the laws of England.
2. Defendant eBay Inc. is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 2025 Hamilton Avenue, San Jose, CA 95125.

JURISDICTION

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.
4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
5. This Court has personal jurisdiction over eBay because it has engaged in systematic and continuous business activities in the District of Delaware. Specifically, eBay provides its full

range of services to residents in this District. As described below, eBay has committed acts of patent infringement giving rise to this action within this District.

VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because eBay has committed acts of patent infringement in this District and is incorporated in this District. Specifically, eBay provides its full range of services to residents in this District. In addition, Byteborne has suffered harm in this district.

PATENT-IN-SUIT

7. Byteborne is the assignee of all right, title and interest in United States Patent No. 9,660,964 (the “’964 Patent” or the “Patent-in-Suit”), including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Byteborne possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by eBay.

The ’964 Patent

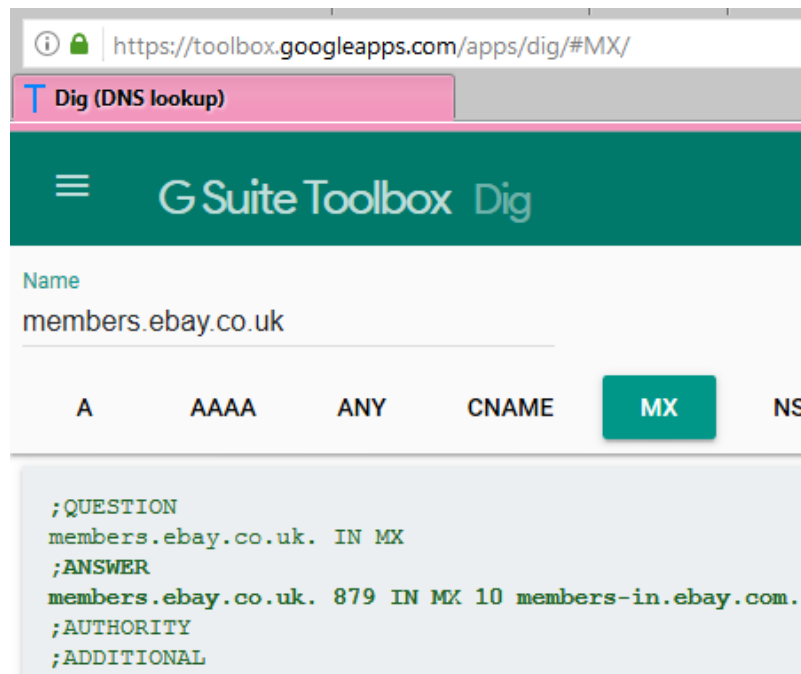
8. On May 23, 2017, the United States Patent and Trademark Office issued the ’964 Patent. The ’964 Patent is titled “Communications Router.” The application leading to the ’964 Patent was filed on June 18, 2010 and is a national stage entry and continuation of the PCT application PCT/GB08/51213 filed on December 19, 2008. A true and correct copy of the ’964 Patent is attached hereto as Exhibit A and incorporated herein by reference.
9. The ’964 Patent is valid and enforceable.
10. The invention in the ’964 Patent provides a communication router allowing anonymous communications between heterogeneous communication devices. Ex. A at 1:8-11.

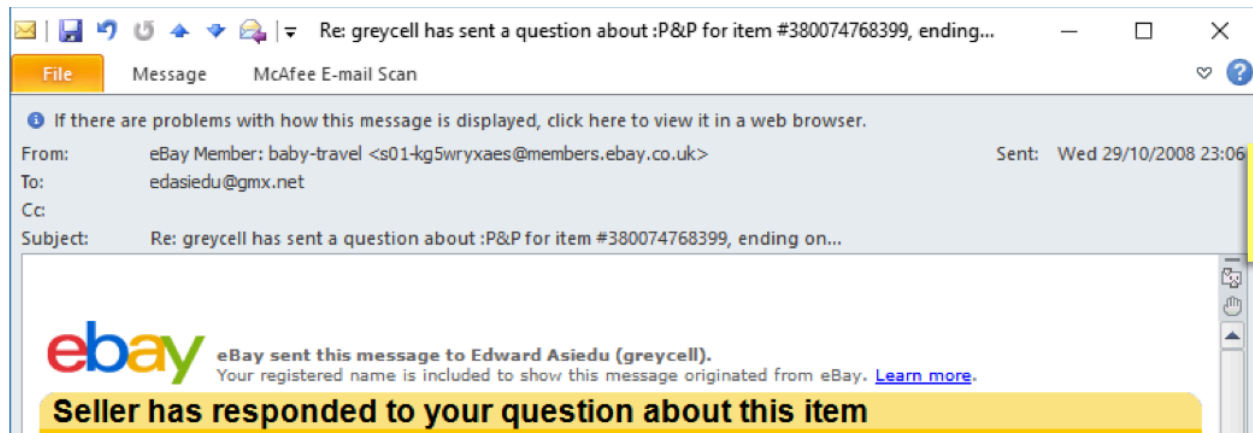
11. The inventors recognized that there was a need to maintain online users' anonymity and reduce the cost and complexity of maintaining network interfaces. *Id.* at 2:5-14.

COUNT I: INFRINGEMENT OF THE '964 PATENT

12. Byteborne incorporates the above paragraphs herein by reference.

13. **Direct Infringement.** eBay has been and continues to directly infringe at least claim 1 of the '964 Patent in this District and elsewhere in the United States by providing products, for example, eBay's email system, which are communication routers for anonymously routing messages between a source communication device and one or more respondent communication devices, wherein the messages contain a subject identifier and where the router and the source and respondent communication devices each have at least one communication identifier. For example, eBay's email system has at least one communications server, which has a public mail exchanger record on the Internet, and allows for email addresses to be anonymously hidden. *See* Figure 1;
<http://pages.ebay.co.uk/help/member-messages-changes.html>.





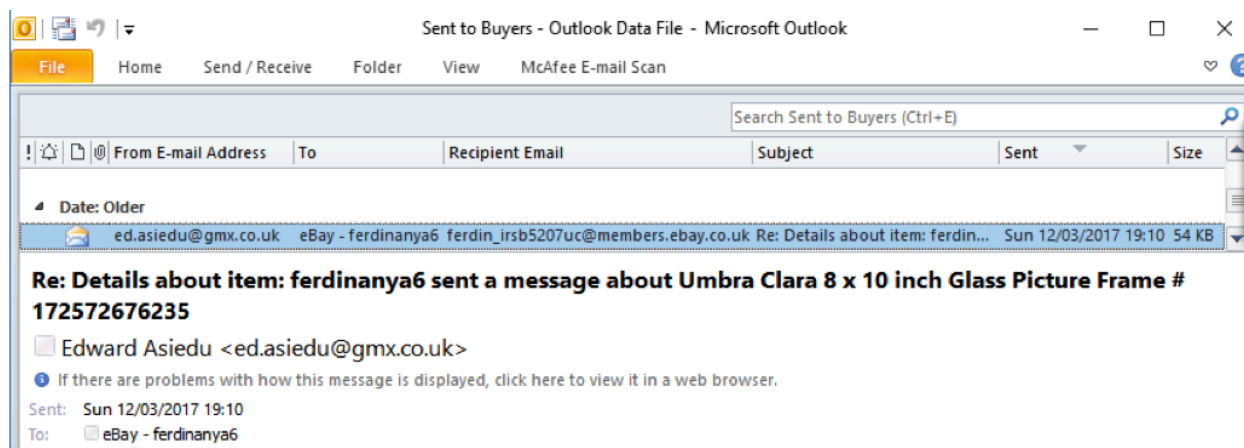



Figure 1. eBay's email system has at least one communications server, which has a public mail exchanger record on the Internet and allows for email addresses to be anonymously hidden.

14. eBay's email system has a processor executing instruction in communication with a memory storing the instructions to provide. For example, eBay's email system has a processor that carries out instructions and has memory which stores the instructions in relation to receipt and processing of email. *See Figure 1.*
15. eBay's email system has a source storage for storing the at least one communication identifier for the source communication device and a predetermined subject identifier for designating messages associated with the source communication device. For example, eBay's email system has a member account storing the seller's registered email address, also known as the communication identifier, and a merchandise subject identifier to associate messages about such merchandise with the source communication device. *See Figure 2.*


 Shop by category ▾
 Search...

[Home](#) > [My eBay](#) > [My Account](#) > **Personal information**

My eBay
 greycell (121 ★)

Activity Messages **Account** Applications NEW

My eBay Views

My Account

- Personal information
- Addresses
- Communication preferences
- Site preferences
- Manage communications with buyers
- Seller Dashboard
- Feedback
- PayPal account
- Seller account
- Donation account
- Subscriptions
- Resolution Centre

Personal Information

User ID and Password Information


Account type	Not defined
User ID	greycell
Password	*****
Secret questions	-- (?)
About Me page	--

Email and Contact Information

Registered email address	e...u@gmx.co.uk
--------------------------	-----------------

[←](#) [→](#)
http://www.ebay.co.uk/sl/list?draft_id=736

Sell on eBay



< Change category or item

Write a descriptive title
 Use words people would search for

Umbra Clara 8 x 10 inch Glass Picture F

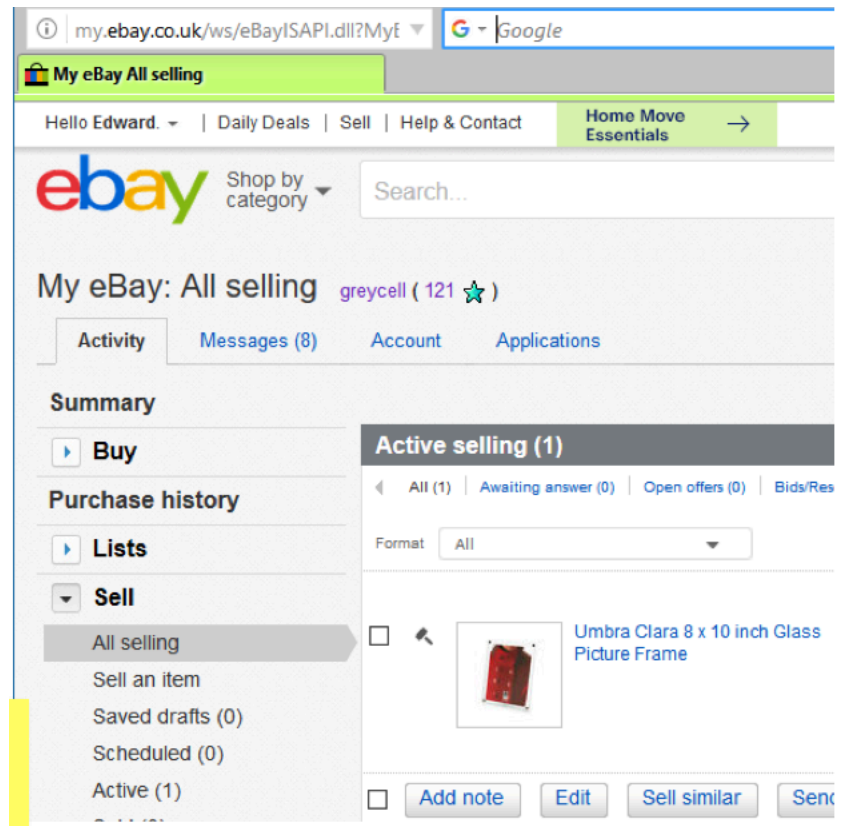


Figure 2. eBay's email system has a member account storing the seller's communication identifier, and a merchandise subject identifier to associate messages about such merchandise with the source communication device.

16. eBay's email system has a respondent storage for storing the at least one communication identifier for each of the one or more respondent communication devices and assigning a unique tag identifier to each respondent communication device for the predetermined subject identifier. For example, eBay's email system stores a purchaser's email address and assigns a unique tag to a purchaser's email address when the purchaser responds to a merchandise listing. See Figure 3.

The screenshot shows the eBay website interface. At the top, there is the eBay logo, a 'Shop by category' dropdown, a search bar, and an 'All Categories' dropdown with a 'Search' button. Below this is a breadcrumb trail: 'Home > My eBay > My Account > Personal information'. The main heading is 'My eBay' followed by the username 'ferdinanya6 (0)'. There are three tabs: 'Activity', 'Messages', and 'Account', with 'Account' being the active tab. On the left, under 'My eBay Views', there is a 'My Account' section with a list of links: 'Personal information' (highlighted), 'Addresses', 'Communication preferences', 'Site preferences', 'Seller Dashboard', 'Feedback', 'PayPal account', 'Donation account', 'Subscriptions', and 'Resolution Centre'. The main content area is titled 'Personal Information' and contains two sections. The first section is 'User ID and Password Information', which includes a table with the following data:

Account type	Personal account	
User ID	ferdinanya6	Edit
Password	*****	Edit
Secret questions	-- (?)	Create
About Me page	--	Edit

The second section is 'Email and Contact Information', which includes a table with the following data:

Registered email address	e...d@byteborne.com	Edit
--------------------------	---------------------	----------------------

The screenshot shows an email client window titled 'Details about item: ferdinanya6 sent a message about Umbra C...'. The email is from 'eBay - ferdinanya6 <ferdin_irs5207uc@members.ebay.co.uk>' and was sent on 'Sun 12/03/2017 18:55' to 'ed.asiedu@gmx.co.uk'. The subject is 'Details about item: ferdinanya6 sent a message about Umbra Clara 8 x 10 inch Glass Picture Frame #172572676235'. The email body contains the eBay logo and a message from 'ferdinanya6 (0)'. The message text is as follows:

Hi,

Can you explain how the pieces of glass are held together? Do the metal fixings push together or are they screws.

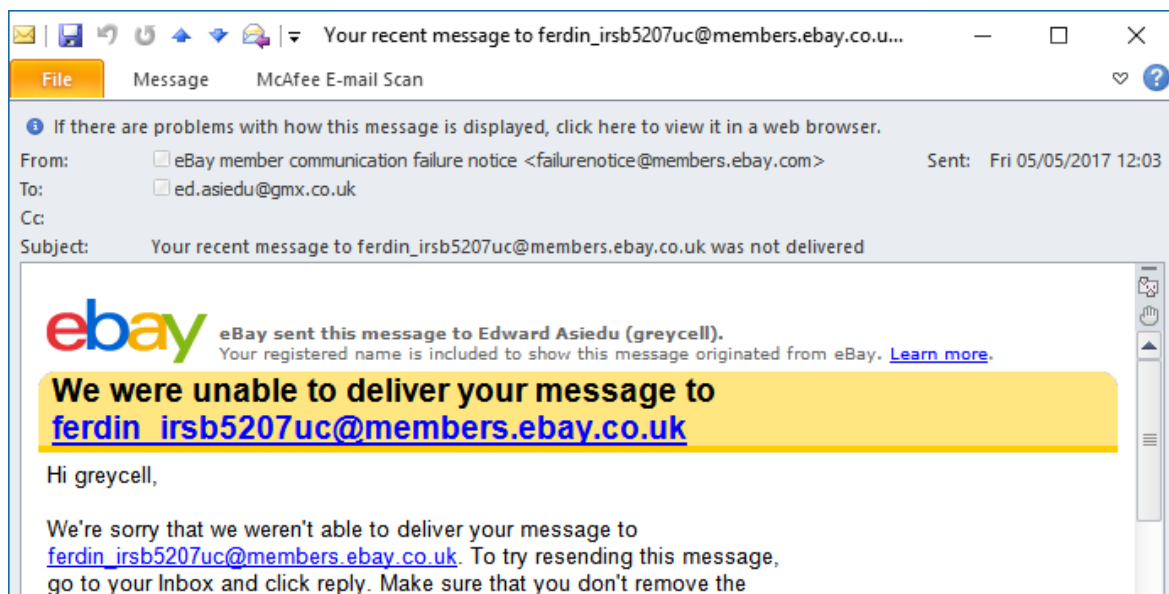
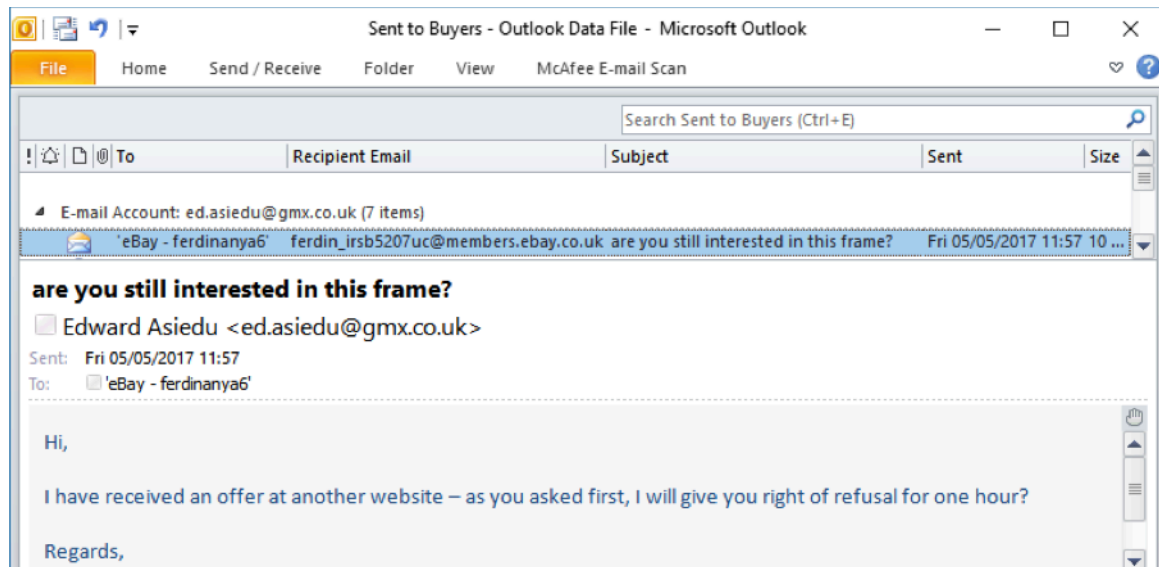
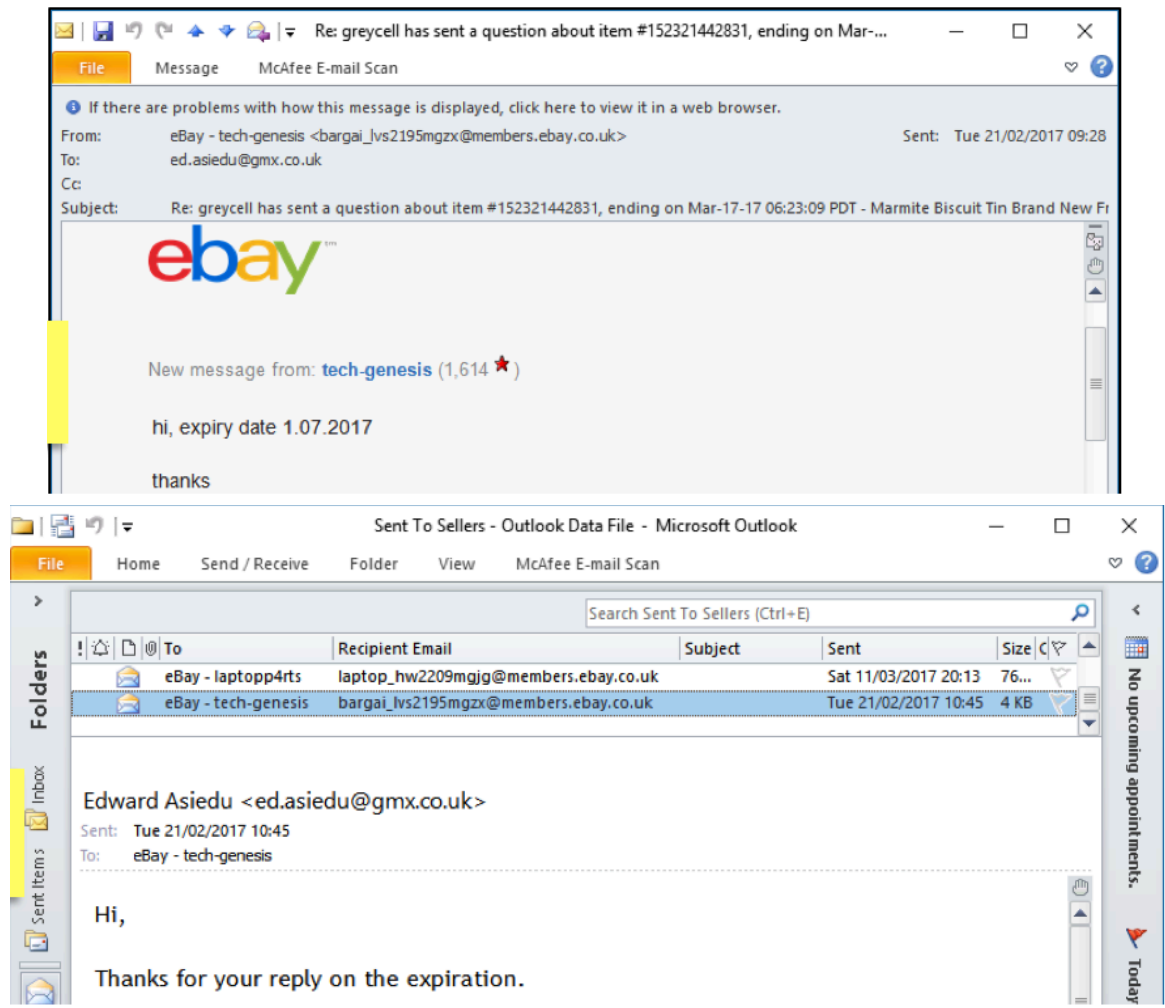


Figure 3. eBay's email system stores a purchaser's email address and assigns a unique tag to a purchaser's email address when the purchaser responds to a merchandise listing. The merchandise subject the purchaser responded to is required to deliver a reply from the seller to the purchaser.

17. eBay's email system has a first message handler for selecting received messages containing the predetermined subject identifier originating from the one or more respondent communication devices and attaching the appropriate tag identifier to each of the selected messages based on its origin and transmitting the selected message to the source

communication device using its at least one communication identifier. For example, eBay's email system has a first message handler which detects a predetermined subject identifier in the subject line of a message that is sent to eBay's mail system and shows emails are not delivered to the seller's communication device if the subject identifier is not in the message.

See Figures 4, 5.



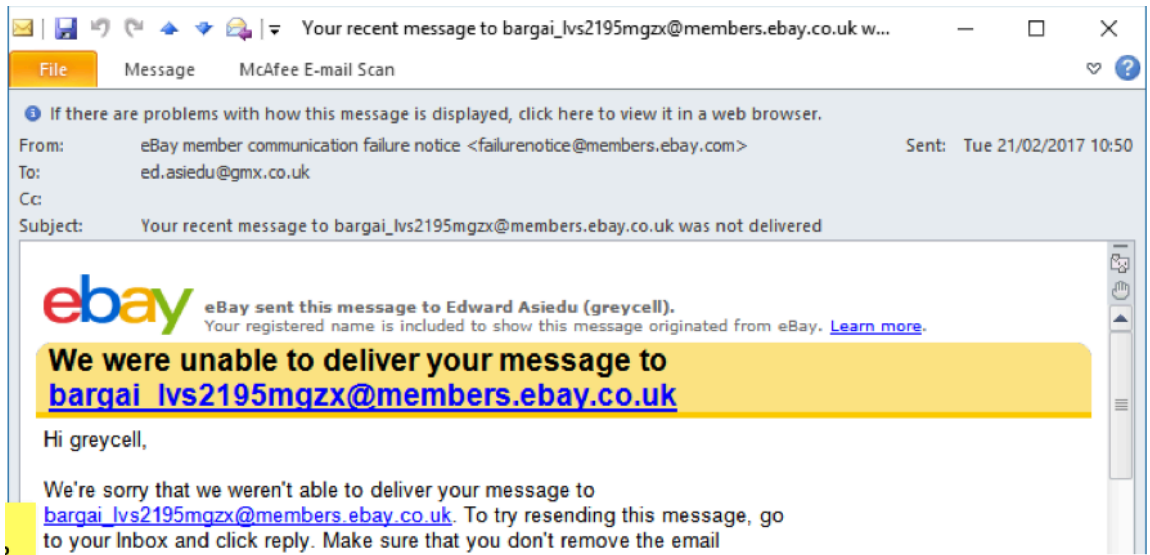
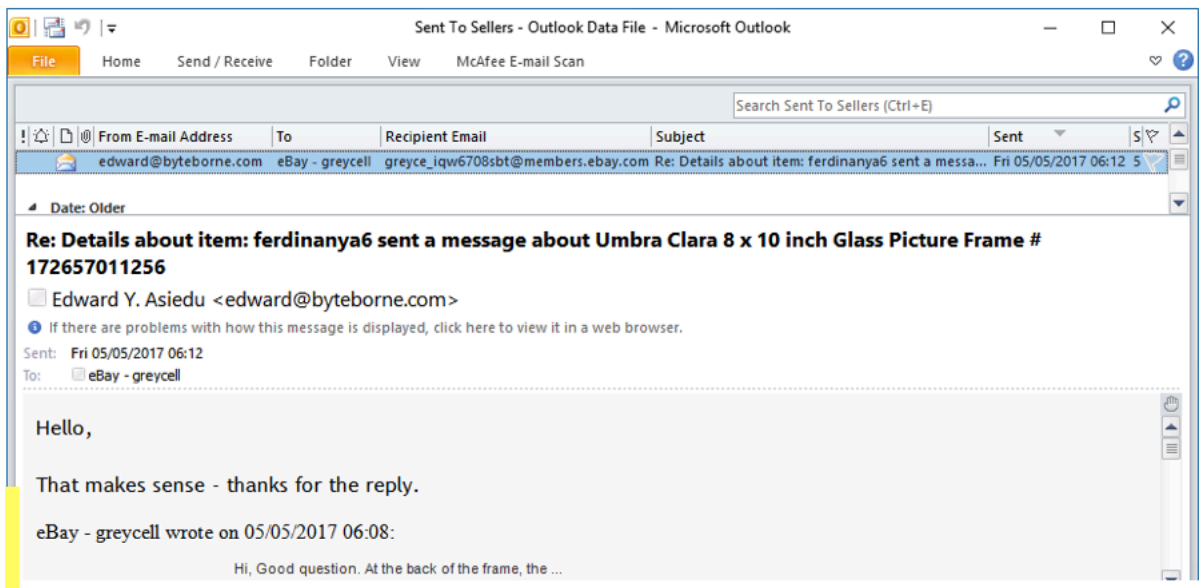


Figure 4. eBay's email system has a first message handler which detects a predetermined subject identifier in the subject line of a message that is sent to eBay's mail system and shows emails are not delivered to the seller's communication device if the subject identifier is not in the message.



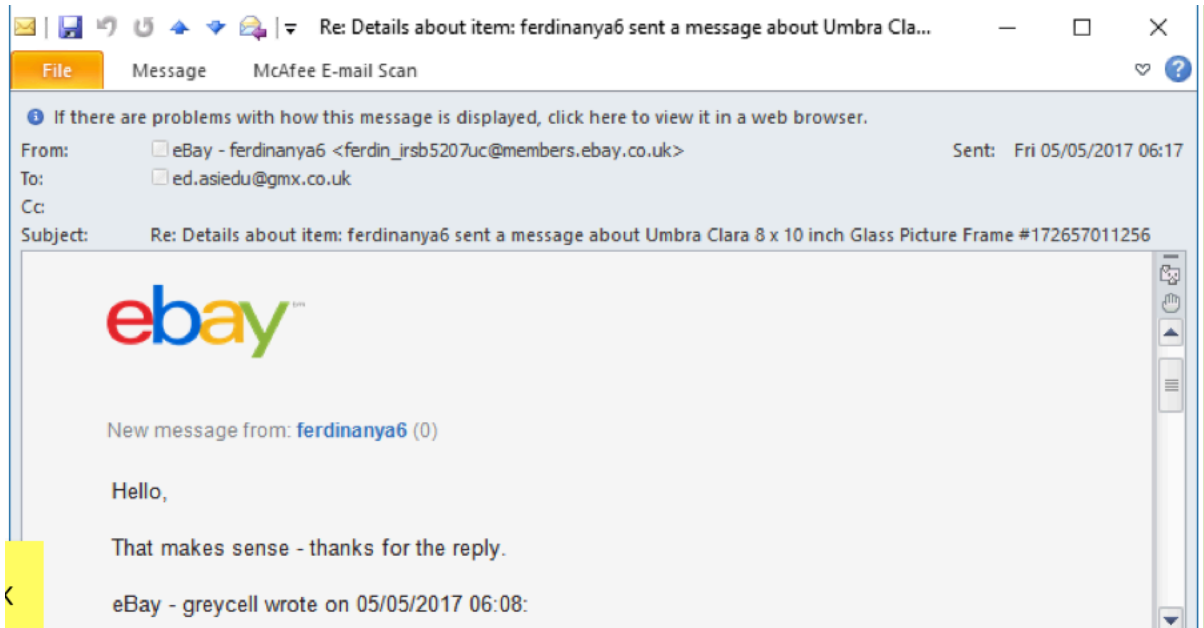


Figure 5. eBay's email system tags a message from the buyer and sends it to the seller.

18. eBay's email system has a second message handler for receiving messages from the source communication device and transmitting them to the appropriate respondent communication device using the stored communication identifiers, the predetermined subject identifier, and the tag identifier for the appropriate respondent communication device. For example, eBay's email system has a second message handler which detects a predetermined subject identifier in the subject line of a message that is sent to eBay's mail system, and shows emails are not delivered to the buyer's communication device if the subject identifier is not in the message when the seller responds to a user's inquiries. *See Figures 6, 7.*

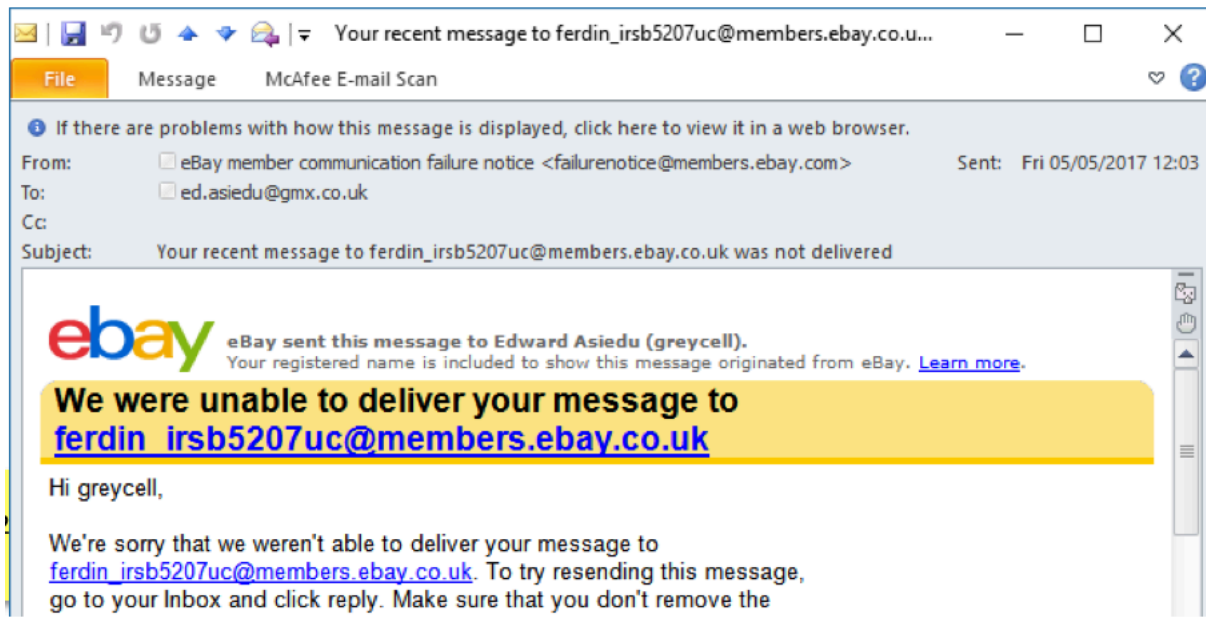
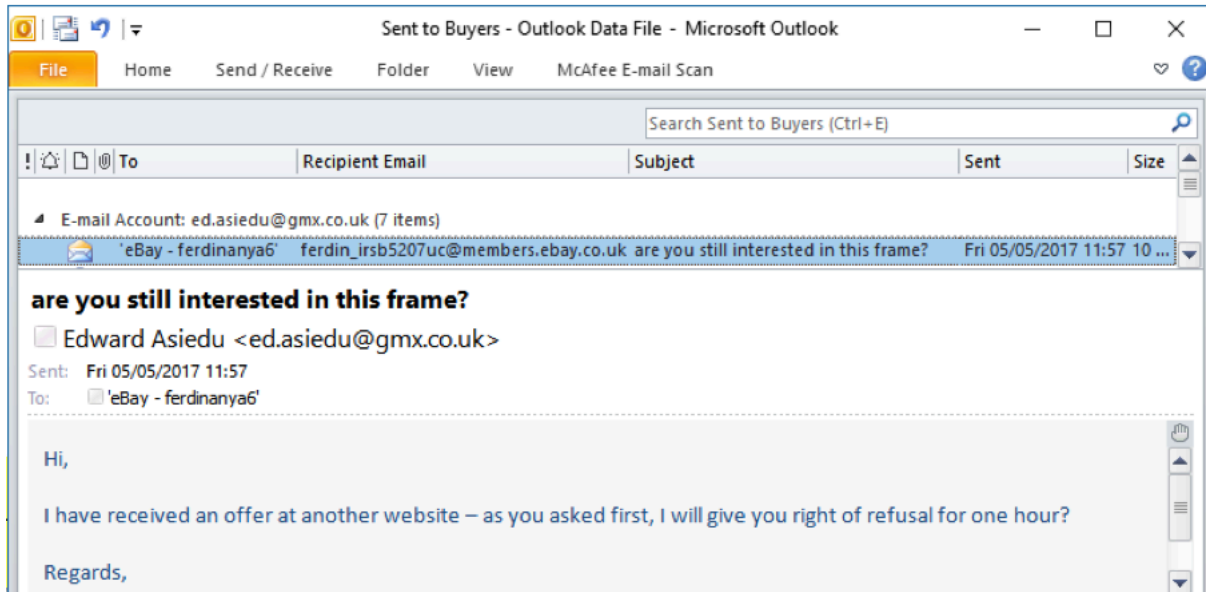


Figure 6. eBay's email system has a second message handler which detects predetermined subject identifier in the subject line of a message that is sent to eBay's mail system, shows emails are not delivered to the buyer's communication device if the subject identifier is not in the message when the seller responds to a user's inquiries.

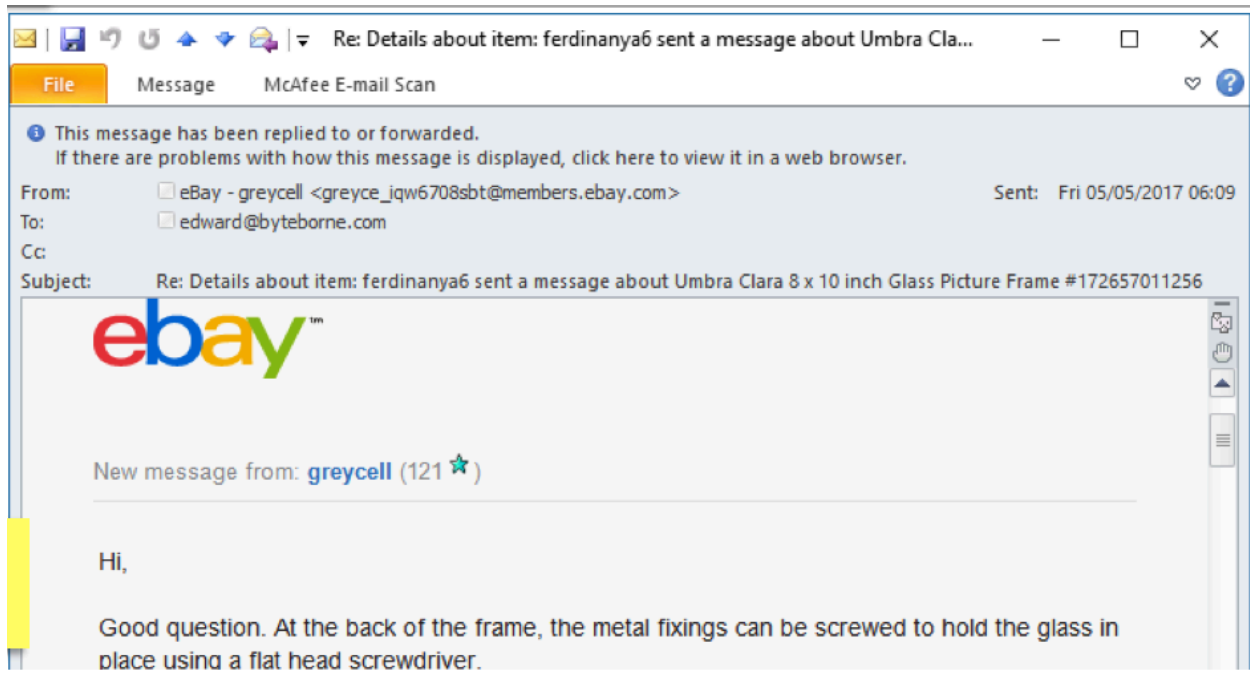
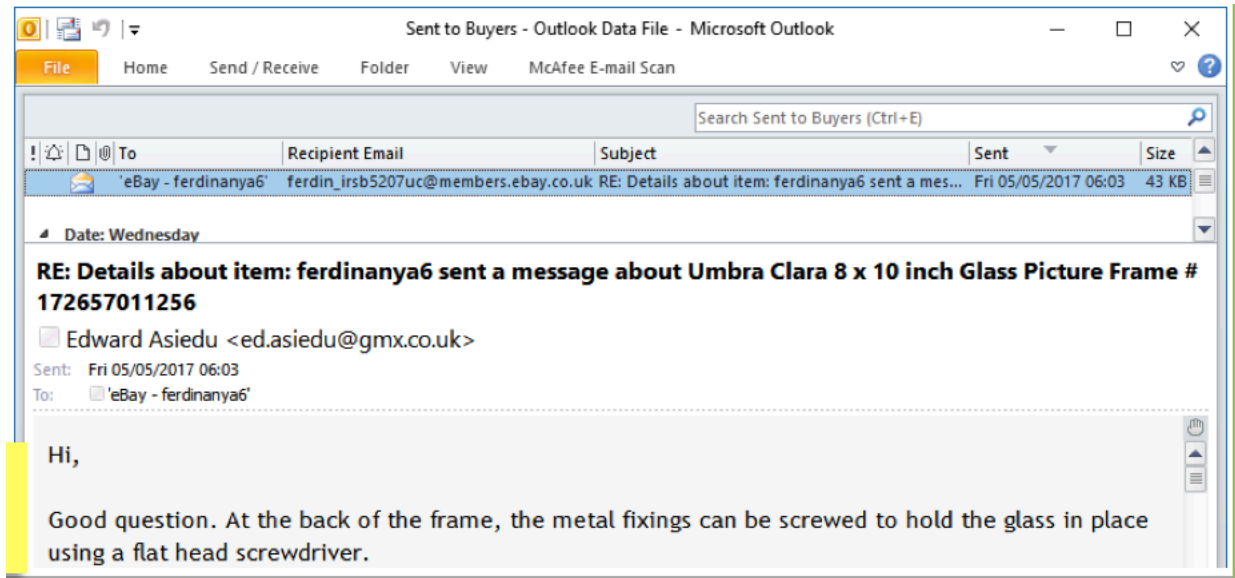


Figure 7. eBay's email system sends a message from the seller to the buyer using the buyer's tag and the merchandise subject.

19. **Induced Infringement.** eBay has also actively induced, and continues to induce, the infringement of at least claim 1 of the '964 Patent by actively inducing its customers, including merchants and end-users to use Byteborne's products in an infringing manner as described above. Upon information and belief, eBay has specifically intended that its

customers use its products that infringe at least claim 1 of the '964 Patent by, at a minimum, providing access to support for, training and instructions for, its system to its customers to enable them to infringe at least claim 1 of the '964 Patent, as described above. Even where performance of the steps required to infringe at least claim 1 of the '964 Patent is accomplished by eBay and eBay's customer jointly, eBay's actions have solely caused all of the steps to be performed.

20. Byteborne is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

21. Byteborne will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

JURY DEMAND

22. Under Rule 38(b) of the Federal Rules of Civil Procedure, Byteborne respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Byteborne asks this Court to enter judgment against eBay, granting the following relief:

- A. A declaration that eBay has infringed the Patent-in-Suit;
- B. An award of damages to compensate Byteborne for eBay's direct infringement of the Patent-in-Suit;
- C. An order that eBay and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patent-in-Suit under 35 U.S.C. § 283;

- D. An award of damages, including trebling of all damages, sufficient to remedy eBay's willful infringement of the Patent-in-Suit under 35 U.S.C. § 284;
- E. A declaration that this case is exceptional, and an award to Byteborne of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;
- F. An award of prejudgment and post-judgment interest; and
- G. Such other relief as this Court or jury may deem proper and just.

Respectfully submitted,
/s/ Stamatios Stamoulis
Counsel for Plaintiff

Stamatios Stamoulis #4606
stamoulis@swdelaw.com
Richard C. Weinblatt #5080
weinblatt@swdelaw.com
Two Fox Point Centre
6 Denny Road, Suite 307
Wilmington, DE 19809
(302) 999-1540

Isaac Rabicoff
(Pro Hac Vice Admission Pending)
isaac@rabilaw.com
Kenneth Matuszewski
(Pro Hac Vice Admission Pending)
kenneth@rabilaw.com
Rabicoff Law LLC
73 W Monroe St.
Chicago, IL 60603
(773) 669-4590